

Serial No.: 09/938,387
Docket No.: ST00015USU2 (108-US-U2)

REMARKS

Claims 1-10 are pending in this present application. In the March 14, 2007 Non-Final Office Action, the Examiner:

1. Rejected claims 1-4 and 8-10 under 35 U.S.C 102 as being unpatentable over Barnard (5,241,561);
2. Objected to claims 2-4 as dependent on a rejected base claim but otherwise allowable if re-written as independent claims;
3. Objected to claims 8-10 as subject to a double patenting rejection if claims 2-4 are deemed allowable;
4. Objected to claims 8-10 as dependent on a rejected base claim but otherwise allowable if re-written as independent claims and amended to overcome the objection regarding double patenting; and
5. Allowed claims 5-7.

Applicants acknowledge with appreciation the Examiner's allowance of claims 5-7. With respect to the rejections based on § 102(b), Applicants respectfully traverse.

I. REJECTION OF CLAIM 1 AS ANTICIPATED BY BARNARD UNDER 35 USC § 102(b)

The Examiner rejected claim 1 as being anticipated by Barnard (5,241,561). The Examiner had previously rejected claim 1 as anticipated by Barnard in a Final Office Action dated July 19, 2006. Applicants filed an RCE and arguments in response to the Examiner's arguments on January 19, 2007.

In the March 14, 2007 Non-Final Office Action, the Examiner responded to Applicants' arguments stating:

Applicant's arguments filed on 1/19/07 have been fully considered but they are not persuasive. The Applicant mainly argues that Barnard does not teach "a separated (sic) received frequency reference signal" as claimed in claim 1.

The Examiner respectfully disagrees. Note that the rejection is based on the limitations recited in the claim. As explained above in this Office Action, Barnard discloses a second mixer (34) for receiving the carrier-removed signal at a first input port of the second mixer and separately receiving a frequency reference signal outputted from (32) at a second input port of the second mixer and outputting a resultant signal while further suppressing any remained

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leakage of the carrier frequency component (see col. 6, lines 14-18). The received frequency reference signal outputted from (32), being received at the second input port separately from the first input port, is therefore considered here equivalent with the limitation "a separately received frequency signal").

See March 14, 2007 Non-Final Office Action, pgs. 4-5.

Applicants respectfully submit that the Examiner's interpretation of Barnard is at best tortured in the context of claim 1. Nevertheless, Applicants have amended claim 1 to even more clearly recite that the "separately received frequency reference signal is received at the apparatus separately from the GPS signal." Applicants respectfully submit that claim 1 is ready for allowance. Favorable reconsideration is respectfully requested.

II. CLAIM AMENDMENTS

Applicants have amended claim 1 as described above. Applicants have also amended claims 3 and 9 to correct typographical errors. Applicants have also amended claim 8 to depend from claim 5 instead of claim 1 thereby obviating any double patenting rejection upon allowance of claims 2-4.

Applicants respectfully submit that claims 1-10 are in condition for allowance.

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CONCLUSION

Favorable consideration is respectfully requested in view of the following amendments and remarks.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,

Dated: June 14, 2007



Enrique Perez
The Eclipse Group LLP
10605 Balboa Blvd., Suite 300
Granada Hills, CA 91344
(818) 488-8141 Telephone
(818) 332-4205 Fax
ep@eclipsegrp.com

Customer No.: 34408